

FILED

7/14/2016

JSL

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

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THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Calvin Clay

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

15-cv-09777

vs.

Case No: _____
(To be supplied by the Clerk of this Court)

PATR TORRI

COLIN KAESTNER

KAREN RICHMOND

CANDICE A. KAMINSKI

AND JANE DOES

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

FIRST AMENDED COMPLAINT

P

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
42 SECTION 1331 U.S. Code (federal defendants)

P

OTHER (cite statute, if known)

28 U.S.C. 1367(a) STATE / RW
COMMON LAW NEGLIGENCE

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

I. Plaintiff(s):

- A. Name: Calvin Clay
- B. List all aliases: N/A
- C. Prisoner identification number: R14334
- D. Place of present confinement: STATEVILLE CORR. CENTER
- E. Address: P.O. Box 112, Joliet, IL 60434

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: PATTI TORRI
Title: MAJOR
Place of Employment: STATEVILLE CORR. CENTER
- B. Defendant: COLIN KAESTNER
Title: FOOD SUPERVISOR
Place of Employment: STATEVILLE CORR. CENTER
- C. Defendant: KAREN RICHMOND
Title: FOOD SUPERVISOR
Place of Employment: STATEVILLE CORR. CENTER

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: _____

- B. Approximate date of filing lawsuit: _____
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____

- D. List all defendants: _____

- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): _____
- F. Name of judge to whom case was assigned: _____

- G. Basic claim made: _____

- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): _____

- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

NOW COMES THE PLAINTIFF, CALVIN CLOY, PROSE, BY AND THROUGH INMATE ASSISTANCE AND STATES:

- (1) ON 2/19/2014 PLAINTIFF WAS ORDERED TO MOVE TO ANOTHER CELL/HOUSE AT WHICH TIME HE COMPLIED, PROPERLY PACKED HIS PROPERTY AND MOVED.
- (2) ON 2/19/2014 WHILE PLAINTIFF WAS MOVING HIS PROPERTY OUT OF F-HOUSE, DEFENDANT BARRI MALICIOUSLY AND IMPROPERLY CONFISCATED HIS STATE ISSUED WORK BOOTS, WHICH IS A BASIC HUMAN NEED AT HIS ASSIGNMENT IN THE KITCHEN.
- (3) ON 2/21/2014 WHILE AT HIS ASSIGNMENT, PLAINTIFF WAS ORDERED TO CLEAN OUT THE DEEP FRYER BY REMOVING HOT GREASE FROM THE DEEP FRYER WITHOUT ANY TRAINING WHATSOEVER ON HOW TO DO SO, BY DEFENDANTS ~~KAESTNER~~ KAESTNER AND RICHMOND. PLAINTIFF INFORMED BOTH DEFENDANTS KAESTNER AND RICHMOND THAT HE DID NOT HAVE ANY TRAINING ON HOW TO DO SO, BUT BOTH DEFENDANTS KAESTNER AND RICHMOND DELIBERATELY AND CALLOUSLY IGNORED THEM AND ORDERED HIM TO CLEAN THE ~~DEEP~~ FRYER:

(4) On 2/21/2014 while following the order to clean out the fryer, the hot oil and water overflowed the receptacle, spilling on ~~me~~ to Plaintiff's left foot causing severe burns due to the deliberate and callous refusal to train Plaintiff, by Defendants Kaestner and Richmond, and malicious and improper confiscation of his work boots, a basic human need for his assignment in the kitchen, by Defendant Torri.

(5) From 2/22/2014 through 2/24/2014 Plaintiff was deliberately denied crutches for mobility and his left foot wrapped so tight that he had no feeling in his left foot and still no feeling by Defendant Kaminski and Defendant Jane Doe.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

① A DECLARATION THAT THE ACTS AND ~~OMISSIONS~~ OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFF'S RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES; ② COMPENSATORY DAMAGES AS ALLOWED BY LAW AGAINST EACH DEFENDANT, JOINTLY AND SEVERALLY; ③ PUNITIVE DAMAGES AS ALLOWED BY LAW AGAINST EACH DEFENDANT; ④ PLAINTIFF'S COSTS IN THIS SUIT AND ANY ADDITIONAL FEE THAT IS JUST AND PROPER

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this _____ day of _____, 20____

(Signature of plaintiff or plaintiffs)

(Print name)

(I.D. Number)
